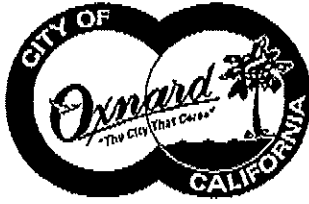


[DATE]

Number of pages including this page: 3

TO: ^{RICHARD} LOA FAX:
FROM: CHRIS WILLIAMSON for M. WINGAR
SUBJECT: Annual Reports - Draft

F
A
X



August 4, 2005

Mr. Richard Loa
Assistant to the Director for Local Government Affairs
DHCD
1800 3rd Street
Sacramento, CA

BY FAX ONLY

RE: Comments on Draft Annual Housing Element Progress Report

Dear Mr. Loa:

Mr. Winegar, Director of Development Services, asked me to provide comments per your request letter of July 15, 2005 (perhaps, as I am likely to be completing the report).

As I understand it, §65400 et al requires local governments to report annually on the status of the General Plan and implementation progress, specifically our progress in meeting our share of regional housing needs and progress on efforts to remove governmental constraints to the "...maintenance, improvement, and development of housing."

General Comment:

Personally, I would encourage your office to rethink how affordability is determined, and how need is determined, as basing both need and affordability only on household earned income is probably misleading for two reasons: 1) unreported and in-kind assistance income is not included, and 2) wealth – especially home equity transferred from a sale to new purchase or turned into cash through loans or sale – is not counted. People are buying and renting homes at rates that cannot be explained by the standard affordability statistics. Something else is happening. I realize this is a larger issue and superceded by state and Federal definitions, etc. But, the credibility of the state's housing efforts is undermined, to some extent, by the paradox of a booming housing market – houses are being built and sold and rented ~ while statistics keep stating there is an 'affordability crisis.' Either the affordability statistics are wrong, or the market numbers are wrong (which is not likely), or something else is happening that we do not fully understand. Maybe HCD has, or can, study this question. We welcome a discussion, as down here on the front lines we have a housing boom and a "statistical affordability crisis" at the same time.

Comments on your Reporting Form

Include date line for when the report was filed: _____

Chousing Annual Reports

Page 2 of 2

Should there be check-off boxes on this page for ☐City ☐County and whether the jurisdiction belongs to one of the regional associations: SCAG, SANDAG, etc...? Does this help your staff process and sum the regional statistics?

What if the jurisdiction has arranged for housing need 'sharing' with another jurisdiction? You could have a question "Is(are) there (an)other jurisdiction(s) involved in your Housing Element and/or affordable housing program?
List the others:

Table A:

1 and 2

Looking up APN is time-consuming and could be a large range of APN's. Suggest start with project name, then address or location follows. Since some projects will span several years, there ought to be a way to indicate partial projects, such as 'Riverpark, Phase I' or 'Lots 30 to 99' or something like that. Project ID work best when we can just use the same nomenclature we use in tracking projects within the City.

3:

Project that have mix of unit types, will have to use multiple lines?...treat as individual projects?

4.

Is this gross acreage including roads and dedications, or all lot areas? What about private roadways and parking lots? Again, we would prefer to use the acreage that is tagged to a project from the beginning, which would be gross acreage including streets, whether private or public, not the end result which we never really have to calculate.

Table B

8.

Shouldn't you force us to use just one methodology to determine affordability, based on most recent year median county income (household or family)? I can guarantee we will try different methods and pick the one that yields the highest counts. I suggest a table for each county, prepared by DOF. Have a standard income multiplier that works off of the county median household income and yields a series of monthly rents and sale values. All of this could be on your www site, allowing you complete control of the data and formulas.

Well, you all have had more experience with this than I have. I hope these comments are useful.

Sincerely,

Christopher Williamson, AICP
Associate Planner
805-385-8156

Ms. Avalon Evans
Department of Planning
City of Orinda
14 Altarinda Road
Orinda, CA 94563

Dear Ms. Avalon:

It was a pleasure speaking to you about providing this Department with a progress report for the year 2004 or 2004/2005 if operating on a fiscal year. As discussed your focus would be well placed on progress and implementation of Orinda's Housing Element for the year 2004 or 2004/2005, as that would be most helpful to the Department.

You should also prepare annual progress reports for the years 2001 through 2004, separately providing less detail. The years 1987 to 2001 can be summary and in combined format.

Enclosed please find a "Draft" of forms tables and instructions which the Department has prepared which when adopted should help local governments prepare the Annual reports, and helps the Department obtain consistent housing data from throughout California. Please use these as a guide. There is no requirement to use them in your reporting.

Also, I invite you to comment on these forms, tables and instructions. Your perspective would be helpful as we further refine these documents.

Sincerely,

Richard Loa'
Assistant to Director
Local Government Affiars

**THE ATTACHED UPDATES ARE TO
REPLACE PAGES 15 THROUGH 17 IN
YOUR EMPLOYEE ORIENTATION
HANDBOOK UNDER THE TAB
“EMERGENCY PREPAREDNESS”**

EMERGENCY PREPAREDNESS PLAN

EVACUATION TEAM MEMBERS

BUILDING

EMERGENCY COORDINATOR

Alternate

Mary Adams	323-7260	Ed Jimenez	323-7254
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FLOOR MONITORS

Alternates

1 st Floor			
Richard Shill	323-4858	Frank Fenner	445-8782
2 nd Floor			
Kevin Cimini	327-2651	Ron Javor	327-2833
3 rd Floor			
Peter Solomon	445-3086	Russ Schmunk	327-2867
4 th Floor			
Karen Hein	323-6047	Linda Nichols	323-3175

ZONE MONITORS

Alternates

Codes & Standards – 2nd Floor

Mary Wright	327-3764	Joe Scifo	327-3765
Gary Canas	327-2330	Mickey Passerino	327-3764
Chris Anderson	327-2805	Jim McGowan	327-2658
Debbie Hawley	323-9239	Dave Cook	327-2655

Division of Financial Assistance– 3rd Floor

Mark Maldonado	327-2874	Earl Lee	327-3636
Tom Monahan	323-0087	Tracy Withrow	322-0643
Mike Greenlaw	327-3630	Nadine Ford	327-3942
Carla Hancock	327-4289	Ben Dudek	445-6508

Community and Economic Development Section 3rd Floor

Lisa Vergolini	319-8410	Mimi Bettencourt	319-8400
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Audits – 3rd Floor

Keith Jung	322-3457	Kirk Marston	327-3627
------------	----------	--------------	----------

IT – 3rd Floor

Sally Miller	324-7452	Anne Marsh	324-9776
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BMB – 3rd Floor

Mark Loden	324-1213	Lucy Bottallo	327-2244
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EMERGENCY PREPAREDNESS PLAN

ZONE MONITORS continued

Alternates

	Personnel - 4th Floor		
Rose Perez	445-2136	Annette Roberts	323-7257
	Accounting - 4th Floor		
Dean Soohoo	324-7298	Stephanie Gustin	327-2243
Cathy Carlson	324-3832	Kathy Epps	324-2688
	Legislative - 4th Floor		
Edna Toffoli	324-2006	Carlton McDaniel	323-0169
	Director's Office 4th Floor⁷⁷		
Chris Westlake	324-4742	Karen Bianchi-Walsh	445-7412
	Legal - 4th Floor		
Dennis Beddard	323-7288	Mark Lovington	323-7277
	HPD - 4th Floor		
Glen Campora	327-2640	Linda Wheaton	327-2642

"R" STREET

HCD

3rd Street

4TH STREET

"S" STREET

Bikes

MEETING AREA
COMMUNITY AFFAIRS/
IT/BMB/AUDITS

MEETING AREA
CODES & STANDARDS/BSO

MEETING AREA
EXEC/ADMIN/HPD/LEGAL/LEG

*Provide report in
CD format for easy
use*

Department of Housing and Community Development
ANNUAL HOUSING ELEMENT PROGRESS REPORT
California Government Code Section 65400
Forms & Instructions

Reporting Jurisdiction: _____

Address: _____

Contact Person: _____ Title: _____

Phone: _____ FAX: _____ E-mail: _____

Current RHNA planning period dates: from _____ to _____

Reporting Period (either Fiscal Year or Calendar Year [to be decided]): from _____ to _____

probably easier

Instructions for Completing Tables

The following instructions refer to the tables on pages 4-6 and are numbered to coincide with the fields in the tables.

Table A - Housing Developed with Public Financial Assistance and/or Deed Restrictions: Include data only on the housing units or developments for which a building permit has been issued during the reporting year. This table identifies all housing units developed with public financial assistance and/or have recorded affordability deed restriction.

1. Project identifier is either the address or major cross streets or the APN number of the development.
2. Project name means the name given to the development.
3. Unit Category. Use the following codes:
 - a. SF (single-family units)
 - b. 2-4 (two to four unit structure)
 - c. 5+ (five or more unit structure)
 - d. AU (second-unit or accessory unit)
 - e. MH (mobile or manufactured housing)
4. du/ac (dwelling units per acre for the housing development) *- assume "as-built"?*
- per net acre or gross acre?
5. Tenure: R (Renter) or O (Owner) - identify if the unit is targeted at first occupancy to be owner occupied or renter occupied.
6. Affordability Count: In Field 6, for each development listed, count the number of units affordable to the following income levels:
 - a. very low-income households
 - b. low-income households
 - c. moderate-income households
 - d. above-moderate households*as defined under?*
- CDBG & HOME = 80%
- LIHTC = 60% MHP?

7. Subtotals: Add the number of units in the development and enter the total in Column 7 as well as in the total line at the bottom of Table A. Add the subtotal in Table A to the totals line at the bottom of Table B. The result at the bottom of Table B is the total of dwelling units permitted during the reporting year.

8. In this section check the funding/subsidy or other programs in the fields that apply.

8(a). Subsidized units are dwelling units that received financial assistance from the local jurisdiction and/or other subsidy sources and have affordability restrictions and/or recapture of public funds upon resale. Check the fields for the funding used in the development of the project. The given programs in the columns included in Field 8(a) are:

- Tax Credit 4% program;
- Tax Credit 9% program;
- Redevelopment Set Aside Funds;
- HOME Program;
- Multifamily Housing Program (MHP);
- CalHFA programs;
- Mortgage Revenue Bond Funds (MRB);
- Community Development Block Grant Program (CDBG); and
- Any other financing not listed in this section – "Other"

Please describe the other funding sources used to achieve affordability.

8(b). Enter the number of "deed restricted" units permitted under non-public financing programs. The programs in this section include, but are not limited to:

Inclusionary Zoning Programs: Note if the units were approved pursuant to a local inclusionary housing ordinance.

Density Bonus Programs: Note if the unit was permitted through State density bonus law.

Other Programs: Please describe any other applicable programs or regulatory agreement used to achieve affordability.

Table B - Market-Rate Housing (without Deed Restrictions): Complete for all "market rate" housing units permitted without financial assistance or deed restrictions. To count units as affordable without public financing and without deed restrictions, complete Section B8.

Fields 1 through 5: Refer to instructions provided for these fields in Table A.

Field 6: Add the number of Units in these columns by affordability and enter the amount in the subtotal field for Table B. Please see instructions for Field 8 below for the units which may be counted.

Field 7: Add the units contained in each development by income levels (Field 6) and enter the total.

Field 8: Explain how the jurisdiction determined that newly constructed rental or ownership housing units were affordable to very low-, low-, and moderate-income households where neither public subsidies nor restrictive covenants were imposed. Indicate on the form and attach documentation to demonstrate the sales price of each ownership unit or rental cost used to conclude the units are affordable.

NOTE: Also attached is a sample template used to determine affordability under redevelopment law that may be appropriate. [Please consider and share ideas for other examples to demonstrate affordability.]

Table C - Regional Housing Needs Allocation Progress: Describe progress in meeting its share of regional housing need for the period of the RHNA allocation.

Table D - Program Implementation Status: The table is to report on progress in implementing programs and policies.

- A. Adequate sites.
- B. Assist in the development of low- and moderate-income housing.
- C. Remove or mitigate constraints.
- D. Conserve and improve existing affordable housing.
- E. Preserve units at-risk of conversion from low-income use.
- F. Promote equal housing opportunities.

*Why not have jurisdiction list
policies and programs
with status of progress/timeline*

SUMMARY OF CURRENT HOUSING ELEMENT ACTIVITY
STATUS OF ELEMENTS RECEIVED
CITY LISTING

LOCALITY	DATE RECEIVED	ELEMENT TYPE	REVIEW STATUS	ADOPTED DATE	DATE REVIEWED	CONDITIONAL ANALYST DATE	ELEMENT COMPLIANCE
** CONTRA COSTA							
ORINDA	11/08/2004	ADOPTED	OUT	10/19/2004	02/04/2005	/ /	MCDUGALL OUT
ORINDA	08/30/2002	DRAFT	OUT	/ /	10/29/2002	/ /	HOEPCKE OUT
ORINDA	12/24/1991	ADOPTED	OUT	06/25/1991	04/22/1992	/ /	CLEARY OUT
ORINDA	10/31/1990	DRAFT	OUT	/ /	12/13/1990	/ /	
ORINDA	01/22/1988	ADOPTED	OBSOLETE	/ /	03/10/1988	/ /	OUT
ORINDA	10/05/1986	DRAFT	OUT	/ /	10/28/1986	/ /	

⁶⁶¹
Terry 533-5311
The primary concern for the Department is the submission of the 2004-2005 Annual Progress Report.
The years between 2001 and 2004 are also important but can be less detailed than 04/05.
The years between 1987 and 2001 can be in summary and/or combined form.

Orinda - Alan Evans
CP Prog. Rept. - RHN progress
back to 1987?

925-253-4210

ABAW

Housing Element - year.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
Division of Housing Policy Development

1900 Third Street, Suite 430
P.O. Box 952053
Sacramento, CA 94252-2053
(916) 323-3177
FAX (916) 327-2643



February 4, 2005

Mr. Emmanuel Ursu
Planning Director
Planning Department
City of Orinda
14 Altarinda Road
Orinda, CA 94563

Avalon Evans

Dear Mr. Ursu:

RE: Review of the City of Orinda's Adopted Housing Element

Thank you for submitting Orinda's housing element adopted on October 19, 2004 and received for review on November 8, 2004. As you know, the Department is required to review adopted housing elements and report the findings to the locality pursuant to Government Code Section 65585(h). Thank you for assisting the Department's review through conversations in January and February 2005 and a meeting on January 24, 2005.

The Department appreciates Orinda's hard work to develop a housing element that addresses its share of the regional housing needs, including efforts and resources dedicated to facilitate higher density small lot development and multifamily housing affordable for lower-income seniors. The current draft element represents substantial progress and addresses many of the statutory requirements of State housing element law (Article 10.6 of the Government Code) as described in the Department's October 29, 2002 review. However, the following revisions are still needed to bring the element into compliance with the law:

1. *Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)).*

Suitability and Realistic Capacity – The adopted element does not contain revisions to address this requirement. Based on the review, the element predicates capacity on maximum allowable densities and does not account for land-use controls, site improvements or topographical conditions. The element should either base development capacity on typically built densities by zone, approved maps or policies and programs that ensure the assumed capacity, such as minimum densities to meet this requirement.

Further, to address requirements described in the Department's October 2002 (enclosed) review, the element must analyze the feasibility and ripeness of development on redevelopable sites in the downtown area within the planning period. This analysis should consider existing uses, the extent to which existing uses may constitute an impediment to additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites.

Emergency Shelters and Transitional Housing – The element must include sites with zoning that facilitates a variety of housing types including emergency shelters and transitional housing. The adopted element was not revised to address this requirement. The element should either demonstrate where these uses are allowed by permitted or conditional use or include a program to amend zoning standards. The element should also describe how zoning and development standards will encourage and facilitate the development of transitional housing and emergency shelters.

2. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels and for persons with disabilities including land use controls, and local processing and permit procedures (Section 65583(a)(4)):*

Land-Use Controls – The adopted element was not revised to address this requirement (see October 2002 review).

Local Processing and Permit Procedures – While the adopted element briefly discusses design review, the element should also describe the types of permits, any discretionary approval procedures (i.e., site plan review), and decision-making standards required for all types of residential development, including single-family and multifamily. For example, the element should discuss the various permits and procedures, whether ministerial or discretionary, for a multifamily development to be permitted in a multifamily and mixed-use or downtown commercial zone.

Constraints on Housing for Persons with Disabilities - The adopted element does not contain revisions to address this requirement (see October 2002 review, Department memo and technical assistance provided earlier).

3. *Include a program which sets forth a five-year schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, provision of regulatory concessions and incentives, and the utilization of appropriate federal, state financing and local financial resources (Government Code Section 65583(c)).*

While the element now includes more definite timeframes and specific actions for some programs, the element must also add numerical objectives to demonstrate the City's commitment and to facilitate review of the effectiveness of programs in future housing element updates. The element should also strengthen Program 2-4 to publicize financial rehabilitation resources for all lower-income households and include more specific actions to assist the development of housing for all lower- and moderate-income households. More specific actions to assist development include commitment to annually meet with developers of multifamily housing for lower-income households, identify potential sites, defer or waive fees, assist with design and the entitlement process, support applications for funding, aid with building community support, modify development standards if needed and, contribute financial resources where available.

4. *Identify actions that will be taken to make sites available during the planning period of the general plan with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, emergency shelters, and transitional housing.*

As noted under finding number 1, the element does not include a complete land inventory analysis and the adequacy of sites cannot be established. Based on the results of a complete land inventory analysis, the City may need to add programs. In addition, as discussed with the City, a maximum density of 10 units per acre is not adequate to encourage and facilitate the development of housing affordable to lower-income households. While the element increases the allowable density to 30 units per acre on the 1.45 acre former library site for senior housing and includes a general commitment to increase densities, the specific programs do not commit to a specific density. As a result, it is not possible to evaluate the adequacy of these programs. For example, the element should strengthen the following programs:

Program 3-6 (Downtown Commercial district) – This program studies the feasibility of amending zoning to allow greater than 10 units per acre. However, it must include should have firm commitment to allow a specific density appropriate to promote the development of housing affordable to lower-income households. Given the City's goals to promote a compact mix of uses in the downtown and preserve open space and rural character, the element should commit to allow at least 20 units per acre in the downtown commercial district.

Program 3-14 (Identify downtown sites) – The program should commit to acreage for the sites and should ensure the sites are suitable and realistic for development in the planning period.

Program 3-15 (Residential Component Requirements) – The element could include specific performance standards for a residential component in commercial development. This standard could be consistent with assumed development capacity and future housing needs.

Program 1-7 (Review the Second-Unit Ordinance) – The City could strengthen this program by including more specific action to encourage the creation of second units. A strong commitment to second units can be a valuable part of a City's housing strategy to identify sites, encourage a variety of housing types and address the wide range of housing needs. The Department will be pleased to work with the City on developing second-unit strategies (see technical assistance memo provided for your assistance).

5. *The housing element shall contain programs which "address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing" (Section 65583(c)(3)).*

As noted in finding number 2 above, the element requires more analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to add programs to address and remove or mitigate any identified constraints. Further, the element should strengthen actions as follows:

Parking - The element now includes to develop a master plan for parking in the downtown and shared parking regulations for mixed-use development (Programs 3-7 and 3-8). However, the element should complement these actions with commitment to relax and reduce parking requirements and facilitate higher density multifamily development, where appropriate such as in the downtown or near transit.

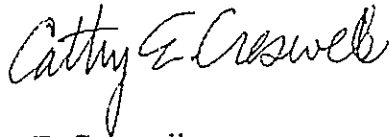
Persons with Disabilities - While the element now contains a program to comply with multifamily American Disability Act requirements (Program 4-3), as a result of Chapter 671, the element should also contain a program that removes any identified constraints in the analysis and provides reasonable accommodations for housing intended for persons with disabilities.

For your information, recently enacted legislation (Chapter 724, Statutes of 2004) amended housing element law (enclosed for your use).

The Department appreciates your diligent efforts throughout the review process. Further, we acknowledge Orinda's challenges in addressing critical housing needs and stand ready to work in full partnership and provide any necessary assistance. If you have any questions or would like to set up a meeting in Orinda or Sacramento, please contact Paul McDougall, of our staff, at (916) 322-7995

In accordance with their requests pursuant to the Public Records Act, we are forwarding a copy of this letter to the individuals listed below.

Sincerely,



Cathy E. Creswell
Deputy Director

Enclosures

cc: Mark Stivers, Senate Committee on Transportation & Housing
Suzanne Ambrose, Supervising Deputy Attorney General, AG's Office
Terry Roberts, Governor's Office of Planning and Research
Nick Cammarota, California Building Industry Association
Marcia Salkin, California Association of Realtors
Marc Brown, California Rural Legal Assistance Foundation
Rob Weiner, California Coalition for Rural Housing
John Douglas, AICP, Civic Solutions
Deanna Kitamura, Western Center on Law and Poverty
S. Lynn Martinez, Western Center on Law and Poverty
Alexander Abbe, Law Firm of Richards, Watson & Gershon
Michael G. Colantuono, Colantuono, Levin & Rozell, APC
Ilene J. Jacobs, California Rural Legal Assistance, Inc.
Richard Marcantonio, Public Advocates
David Booher, California Housing Council
Sue Hestor, Attorney at Law
Paul Campos, Home Builders Assoc. of Northern California
Shannon Dodge, Non-Profit Housing Association of Northern California
Eve Bach, Arc Ecology
Allison Brooks, Livable Communities Initiative
Charlie Carson, Home Builders Association - Northern Division
Martin R. Engelmann, P.E., Contra Costa Transportation Authority